

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA §
§
vs. § Case No. 4:10cr37
§ (Judge Schell)
GLEN HARVICK §

REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Pending before the Court is the request for revocation of Defendant's supervised release.

After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on July 29, 2010, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Jay Johnson.

On March 14, 2005, Defendant was sentenced by the Honorable Terry R. Means to forty-eight (48) months' custody followed by three (3) years of supervised release for the offense of Importation of Methylenedioxymethamphetamine, a Schedule I Controlled Substance, and Aiding and Abetting. On June 29, 2007, Defendant completed his period of imprisonment and began service of his supervised term. On February 23, 2010, this case was transferred to the Eastern District of Texas and assigned to the Honorable Richard A. Schell.

On June 11, 2010, the U.S. Pretrial Services Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated several mandatory and standard conditions. All alleged violations of the mandatory and standard conditions were dismissed by the Government. The petition also alleged violations of the following special condition: the defendant shall participate in a program approved by the U.S. Probation Officer for treatment of narcotic or drug abuse or alcohol dependency that will include testing for the detection of substance

abuse, abstaining from the use of alcohol and all other intoxicants during and after completion of treatment and contributing to the costs of services rendered (co-payment) at the rate of at least \$10 per month.

The petition alleges that Defendant committed the following acts with regard to violation of the special condition: On September 2, 2009, a contract treatment form was executed for the defendant to participate in substance abuse treatment with testing at McCary Counseling Center in Denton, Texas. To date, the defendant has failed to make himself available for substance abuse treatment or testing.

Prior to the Government putting on its case, Defendant entered a plea of true to violation of the special condition.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. The Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months with no supervised release to follow. It is also recommended that Defendant be housed in the Bureau of Prisons, Seagoville Unit, or an appropriate medical facility. The Court further recommends that Defendant undergo a mental health evaluation.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 30th day of July, 2010.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE